

**PHYSICAL THERAPISTS AFFILIATED CREDENTIALING BOARD  
MADISON, WI  
MINUTES  
JANUARY 27, 2004**

**PRESENT:** Otto Cordero, Barbara Flaherty, Laurie Kontney

**STAFF PRESENT:** Tom Ryan, Bureau Director; Jacquelynn Rothstein, DRL Legal Counsel to the Board; Pamela Meicher, Program Assistant; Pamela Haack, Office of Legal Counsel (OLC); DOE Staff

**GUEST:** Michelle Mettner, Aurora Health; Ron Hermes, WPTA; Ray Barr, PT, Aurora Health

**CALL TO ORDER**

Barbara Flaherty, Chair, called the meeting to order at 8:30 a.m. A quorum of 3 members was present.

**AGENDA**

**Amendments:**

FSMB Tool – Application Issues

Total Pending Cases

Summary Reports on Pending Court Cases, Disciplinary Cases, Administrative Rules and Legislation

**MOTION:** Otto Cordero moved, seconded by Laurie Kontney, to approve the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES OF NOVEMBER 4 AND DECEMBER 12, 2003**

**MOTION:** Otto Cordero moved, seconded by Laurie Kontney, to approve the minutes of November 4 and December 12, 2003, as written. Motion carried unanimously.

**ELECTION OF OFFICERS**

**MOTION:** Otto Cordero moved, seconded by Barbara Flaherty, to nominate Laurie Kontney as Chair. Nominations closed. The Board voted to elect Laurie Kontney as Chair. Motion carried unanimously.

**MOTION:** Laurie Kontney moved, seconded by Barbara Flaherty, to nominate Otto Cordero as Vice Chair. Nominations closed. The Board voted to elect Otto Cordero as Vice Chair. Motion carried unanimously.

**MOTION:** Otto Cordero moved, seconded by Laurie Kontney, to nominate Barbara Flaherty as Secretary. Nominations closed. The Board voted to elect Barbara Flaherty as Secretary. Motion carried unanimously.

### **ADMINISTRATIVE REPORT**

#### **Finalized 2004 meeting dates:**

The Board reviewed and approved the 2004 meeting and screening dates.

**MOTION:** Otto Cordero moved, seconded by Barbara Flaherty, in favor of approving 2004 meeting and screening panel dates. Motion carried unanimously.

**MOTION:** Barbara Flaherty moved, seconded by Otto Cordero, in favor of Laurie Kontney attending screening panel meetings January-June, and Otto Cordero attending screening panel meetings July-December. Motion carried unanimously.

#### **DRL Personnel Changes:**

William Dusso, General Counsel, has retired and has been replaced by Steve Gloe, DOE Attorney. Jacquelynn Rothstein is the new DRL legal counsel to the Board.

#### **Review of Hotel and voucher process – Pamela Meicher:**

Pamela Meicher reminded Board members to cancel their hotels if they do not plan on staying overnight. Hotel reservations have been made for all scheduled meetings in 2004. Cancellations must be made 24 hours prior to arrival time to avoid a penalty charge. Ms. Meicher also stated that the Department will be charged for no-shows and will charge for invoices received on non-cancellations.

### **REGULATORY DIGEST – DISCUSSION AND APPOINTMENT OF BOARD LIAISON**

The Bureau Director asked for a volunteer to be the Board liaison to work on the Regulatory Digest. Once the new rules are adopted, an article should be written to advise the public of effective dates.

**MOTION:** Barbara Flaherty moved, seconded by Laurie Kontney, in favor of appointing Otto Cordero as the Board liaison for the Regulatory Digest. Motion carried unanimously.

## **CONSIDERATION OF MODIFICATIONS TO CLEARINGHOUSE RULE 03-020**

Pamela Haack, Rules Coordinator, joined the Board to discuss modifications to CR 03-020. The Bureau Director gave some background explaining that when Act 70 was being deliberated in the legislature, the provision that extends to the PTAs the ability to define general supervision was removed from Chapter 448 by an amendment. The result of this amendment is that explicit authority to define supervision for PTAs was removed. Remedial legislation is currently under consideration.

After a detailed discussion, the Board reviewed and modified PT 5.02, relating to direct supervision of physical therapy aides and section 1.02 (6), relating to the definition of physical therapy aide.

**MOTION:** Otto Cordero moved, seconded by Barbara Flaherty, in favor of changing PT 5.02 (2) (c) with the language shown under PT 5.01, Practice and supervision of a physical therapist assistant. Motion carried unanimously.

**MOTION:** Barbara Flaherty moved, seconded by Laurie Kontney, in favor of appointing Otto Cordero as the liaison to review language changes to CR 03-020, prior to sending it to the legislature. Motion carried unanimously.

**MOTION:** Otto Cordero moved, seconded by Barbara Flaherty, in favor of adopting the amendments to PT 5.01 (2) (b) as noted on page 14 of the agenda and have the OLC advance the rule. Motion carried unanimously.

## **WIS. ADMN. CODE RL 4.07 – DRL PROPOSED RULE – REEXAMINATIONS AND APPROVAL OF GRADES FOR APPLICANTS WHO HAVE CHEATED ON AN EXAMINATION**

The Board reviewed the scope statement and proposed rule related to establishing a uniform procedure for reexamination of applicants and approval of grades of applicants found cheating on an examination. Any questions or concerns regarding the proposed rule should be sent to the Bureau Director.

## **COMPLIANCE QUESTION – REQUEST FOR WAIVER OF WIS. ADMIN. CODE PT 5.01 (2)**

The Board reviewed the waiver request from Cindy Nelson, PT, requesting the 14-day supervision meeting be completed via a telephone conference. The Board requested the DRL legal counsel to the Board draft a letter to Ms. Nelson advising her that she must abide by the rules as written. If and when new rules relating to this issue go into effect, Ms. Nelson can resubmit her request.

## **INFORMATIONAL ITEMS**

Noted.

### **CONVENE TO CLOSED SESSION**

**MOTION:** Barbara Flaherty moved, seconded by Laurie Kontney, to convene to closed session to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation(s) with administrative warning(s) (Wis. Stat. § (1) (b)), and Wis. Stat. § 440.205; consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Roll call vote: Otto Cordero-yes; Barbara Flaherty-yes; Laurie Kontney-yes. Motion carried unanimously.

Open session recessed at 11:47 a.m.

### **CONDUCTING ORAL EXAMINATIONS OF TWO CANDIDATES FOR LICENSURE**

**MOTION:** Otto Cordero moved, seconded by Laurie Kontney, to grant Jill Mundell a license based on her passing the oral exam, and to deny a license to Erin McCreary based on her failing the oral examination. Motion carried unanimously.

### **EXAMINATION ISSUES**

Gail Pizarro, Examination Specialist, will schedule and coordinate an examination workshop on March 17, 2004, for the open book tests for PTs and PTAs.

**MOTION:** Barbara Flaherty moved, seconded by Otto Cordero, in favor of approving the two versions of the PTA oral examination as provided by Gail Pizarro. Motion carried unanimously.

### **RECONVENE IN OPEN SESSION**

**MOTION:** Otto Cordero moved, seconded by Laurie Kontney, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 2:07 p.m.

**VOTING ON ITEMS CONSIDERED/DELIBERATED ON IN CLOSED SESSION**

**MOTION:** Laurie Kontney moved, seconded by Barbara Flaherty, in favor of accepting all motions made during closed session. Motion carried unanimously.

**ADJOURNMENT**

**MOTION:** Barbara Flaherty moved, seconded by Otto Cordero, to adjourn the meeting at 2:15 p.m. Motion carried unanimously.

**Next Meeting: Tuesday, May 18, 2004**